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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,800	08/11/2000	DARRYL BLACK	102689-45/00-U0076	8629
21125	7590	03/15/2004	EXAMINER	
NUTTER MCCLENNEN & FISH LLP			HALIM, SAHERA	
WORLD TRADE CENTER WEST				
155 SEAPORT BOULEVARD			ART UNIT	PAPER NUMBER
BOSTON, MA 02210-2604			2157	
DATE MAILED: 03/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/637,800	BLACK ET AL.
	Examiner Sahera Halim	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 August 2000.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1 – 28 have been examined.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim the following claims have been rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al., U.S Pat. No. 6,345,288 (hereinafter Reed).

3. Regarding claim 1, Reed discloses a method of operating a telecommunications system, comprising sending a first metadata file from a network device to an external management system (see col. 8, lines 5-51; sending metadata from a consumer to a provider); generating a first management data file within the network device (col. 8, lines 5-51; col. 34, lines 55 - 61; data objects stored in consumer database); sending the first management data file from the network device to the external management system (col. 8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62 -64; submission or created forms at the consumer to provider); and processing the first management data file in accordance with the first metadata file (col. 8, lines 5-51; col. 28, lines 43 – 51).

4. Reference to claim 2, Reed teaches the method of claim, wherein the first management data file is generated asynchronously with respect to the processing of the first management data file (see col. 8, lines 5 –51; col. 28, lines 45 – 54, col. 34, lines 55 – 67, generating asynchronously with processing by provider).

5. Regarding claim 3, Reed discloses the method of claim 1, wherein the first management data file is generated synchronously with respect to the processing of the first management data file (see col. 8, lines 5 –51; col. 28, lines 45 – 54, col. 34, lines 55 – 67, generating synchronously with processing by provider).

6. As to claim 4 the method of claim 1, Reed teaches wherein the first metadata file is a JAVA class file (see col. 35, lines 24 - col. 36, lines 51).

7. Reference to claim 5, Reed discloses the method of claim 1 wherein sending the first metadata file and first management data file from the network device to the external management system comprises:

sending the first metadata file and first management data file from the network device to an external file transfer system (see col. 8, lines 5-51; sending metadata from a consumer to a provider).

8. Regarding claim 6, Reed teaches the method of claim 1, wherein sending the first management data file comprises: executing a file transfer protocol push (See col. 13, lines 10 – 51).

9. Reference to claim 7, the method of claim 1, where sending a first metadata file comprises: executing a file transfer protocol push (See col. 13, lines 10 – 51).

10. As to claim 8, Reed teaches the method of claim 1, further comprising: generating a first data summary file corresponding to the first management data file; and sending the first data summary file to the external management system, wherein the first management data file is processed in accordance with both the first data summary file and the first metadata file (See col. 34, lines 55 – col. 35, lines 47, menu 600).

11. Regarding claim 9, Reed teaches the method of claim 8, wherein sending the first data summary file comprises:

executing a file transfer protocol push (See col. 13, lines 10 – 51 and consumer operation col. 34).

12. Reference to claim 10, Reed teaches the method of claim 1, further comprising: generating a second management data file within the network device (See col. 34, lines 55 – col. 35, lines 47);  
ending the second management data file from the network device to the external management system (See col. 34, lines 55 – col. 35, lines 47); and

processing the second management data file in accordance with the first metadata file  
(See col. 34, lines 55 – col. 35, lines 47).

13. Reference to claims 11 and 12, these claims have similar limitations as claim 1, and therefore, they are rejected under the same rational.

14. Reference to claim 13, Reed teaches the method of claim 1, further comprising:  
adding a hardware module to the network device (adding a hardware module to the network device is inherent, see col. 38, lines 40 – 42);  
downloading a second metadata file to the network device corresponding to the hardware module (col. 38, lines 4 – 20);  
sending the second metadata file from the network device to the external management system (col. 8, lines 5 – 51);  
generating a second management data file within the network device (col. 8, lines 5 – 51, and col. 34, lines 55 – 61);  
sending the second management data file from the network device to the external management system (col. 8, lines 5 – 51, col. 31, lines 22 – 48, col. 29, lines 62 – 64); and  
processing the second management data file in accordance with the second metadata file (col. 8, lines 5 – 51 and col. 28, lines 43 – 51).

15. Reference to claim 14, Reed discloses the method of claim 1, further comprising:  
downloading a modified first metadata file to the network device (col. 38, lines 4 – 20);

sending the modified first metadata file from the network device to the external management system (col. 8, lines 5 –51);  
generating a second management data file within the network device (col. 8, lines 5 – 51, and col. 34, lines 55 – 61);  
sending the second management data file from the network device to the external management system (col. 8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62 – 64); and  
processing the second management data file in accordance with the second metadata file (col. 38, lines 4 – 20).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read.

18. Regarding claims 15-17, Reed does not teach the method of claim 1, wherein the external management system comprises a data collector, a network management server and a billing server. However, it would have been obvious for a person having ordinary skill in the art at the time of the invention to have any type of server in order to address the needs of a specific system or operation.

19. As per claims 18 – 28, they do not teach or further define over the limitations recited in the rejected claims 1-17. Therefore, claims 18 – 28 are rejected for the similar reasons set forth in claims 1-17, supra.

*Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,614,781 to Elliott et al.

U.S. Pat. No. 5,999,179 to Kekic et al.

U.S. Pat. No. 6,085,255 to Vincent et al

U.S. Pat. No. 6,611,867 to Brwman-Amuah

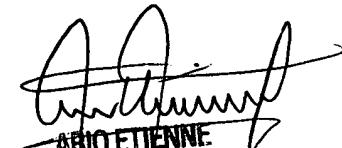
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim  
Patent Examiner  
AU : 2157

February 23, 2004



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